SB Civil Writ Petition No. 9902/2006

Ramesh Chand Jatav Vs Union of India & ors

19.12.2007

Hon'ble Mr Justice Ashok Parihar

Mr Anand Sharma – for petitioner

Mr Hawa Singh – for respondents No.2, 3 and 4

Mr Sumit Khandelwal – for respondent No.5

BY THE COURT:

Service on respondent No.1 is dispensed with.

Petitioner has challenged order dated 31.10.2006 passed by respondent No.5, refusing to refer the dispute, as raised by the petitioner, for adjudication only on the ground that judicial scrutiny of the High Court has already taken place in the same matter.

There is no dispute that the petitioner had earlier filed an application before the Central Administrative Tribunal, Bench at Jaipur, however, the same was rejected by the Tribunal vide order dated 19.12.2003 giving liberty to the petitioner to approach the appropriate Labour Court/ Industrial Tribunal for ventilating his grievance. Though, the petitioner approached against the order of the Tribunal before this

Court, however, the writ petition was dismissed by the Division Bench of this Court vide order dated 10.12.2004 maintaining order of the Tribunal. Since there have been no adjudication either by the Tribunal or this Court, the impugned order dated 31.10.2006 cannot be sustained in the eyes of law.

Accordingly, the writ petition is allowed. The impugned order dated 31.10.2006 is set aside and the respondent No.5 is now directed to refer the dispute as raised by the petitioner for adjudication to a competent court within 30 days from the date of receipt of certified copy of this order.

(Ashok Parihar) J.

bnsharma